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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FRED ROGERS,
a/k/a FRED ROGERS, Jr.

Plaintiff,

v.

JOHN E. POTTER, Postmaster General of
the United States,

Defendant.

No. C 08-2897 SBA

**STIPULATION AND ORDER
CONTINUING CERTAIN PRETRIAL
DEADLINES AND
TRIAL DATE**

The parties hereby stipulate and agree and request the Court to adopt the following changes in the trial schedule:

Whereas, the parties recognize that full and complete briefing and hearing on defendant's pending motion for summary judgment would aid the parties in reaching a settlement; and

Whereas, if the matter is not resolved short of trial, full and complete briefing on defendant's pending motion for summary judgment would aid the Court in narrowing the issues

for trial; and

Whereas, plaintiff has requested additional time to respond to defendant's motion for summary judgment and defendant has no objection to plaintiff receiving such additional time; and

Whereas, the parties participated in a productive mediation on June 23, 2009; and

Whereas the parties were unable to settle the matter at the June 23, 2009, but are scheduled to appear for a settlement of conference with Magistrate Judge Laporte on April 23, 2010; and

Whereas, this Court's pretrial order dated February 18, 2009, would require preparation of pretrial documents and other trial preparation at a time when preparation and focus on resolving this case likely would produce a better result; and

Whereas, the parties have not previously sought to make any adjustments to the pretrial schedule set by the Court on February 18, 2009;

It is hereby stipulated and respectfully requested that the Court amend its February 18, 2009, trial scheduling order so as to adopt the following new deadlines and trial date:

	ORIGINAL DATE AS SET IN ORDER DATED FEBRUARY 18, 2009	NEW DATE REQUESTED BY PARTIES
Plaintiff's Opposition to Defendant's Motion for Summary Judgment	Would be due March 9, 2010 if motion heard on March 30, 2010 in accordance with the Court's order. (The court's website currently precludes counsel from scheduling motions before April 13, 2010.)	March 30, 2010
Defendant's reply in support of motion for summary judgment due	Would be due March 16, 2010 in accordance with the Court's order.	April 6, 2010
Hearing on Defendant's Motion for Summary Judgment	On or before March 30, 2010 (the court's website currently precludes counsel from scheduling motions before April 13, 2010).	April 20, 2010, 1 pm

Mandatory Settlement Conference	On or before Friday, April 23, 2010.	No change– Conference currently scheduled for April 23, 2010
Joint Pretrial Statement and related papers due	April 27, 2010	August 24, 2010
Objections to evidence due	May 4, 2010	August 31, 2010
Pretrial	May 18, 2010	September 14, 2010, 1 pm
Trial	May 24, 2010	September 20, 2010, 8:30 am

Respectfully submitted,

Dated: March 5, 2010

_____/s/_____
Michael C. Cohen
Attorney for Plaintiff

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: March 5, 2010

_____/s/_____
Abraham A. Simmons
Assistant United States Attorney
Attorneys for Defendant

ORDER

PURSUANT TO THE PARTIES' STIPULATION, the following dates are extended as follows:

	ORIGINAL DATE AS SET IN ORDER DATED FEBRUARY 18, 2009	NEW DATE
Plaintiff's Opposition to Defendant's Motion for Summary Judgment	Would be due March 9, 2010 if motion heard on March 30, 2010 in accordance with the Court's order.	March 30, 2010

1	Defendant's	Would be due March 16, 2010 in	April 6, 2010
2	reply in support	accordance with the Court's order.	
3	of motion for		
4	summary		
5	judgment due		
6	Hearing on	On or before March 30, 2010 (the court's	April 20, 2010, 1 pm
7	Defendant's	website currently precludes counsel from	
8	Motion for	scheduling motions before April 13, 2010).	
9	Summary		
10	Judgment		
11	Mandatory	On or before Friday, April 23, 2010.	No change– Conference
12	Settlement		currently scheduled for
13	Conference		April 23, 2010
14	Joint Pretrial	April 27, 2010	May 4, 2010
15	Statement and		
16	related papers		
17	due		
18	Motions in		Due: May 11, 2010
19	Limne		Responses on or before: May
20			18,2010
21			Reply on or before: May 25,
22			2010
23	Objections to	May 4, 2010	May 11, 2010
24	evidence due		
25	Pretrial	May 18, 2010	June 1, 2010, 1 pm
26	Trial	May 24, 2010	June 7, 2010, 8:30 am

IT IS SO ORDERED.

3/15/10


United States District Judge